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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION  
14

15 UNITED STATES OF AMERICA, )

16 Plaintiff, )

17 v. )

18 PAVEL LAZARENKO, )

19 Defendant. )  
20

No. CR 00-0284 MJJ

DECLARATION OF BRYAN EARL RE:  
CRIMINAL HISTORY CHECKS OF  
FOREIGN WITNESSES

21 I, Bryan Earl, hereby declare the following under penalty of perjury:

- 22 1. I am currently employed as a Special Agent of the Federal Bureau of Investigation, San  
23 Francisco Division.
- 24 2. I am working with prosecutors from the United States Attorney's Office for the Northern  
25 District of California and from the United States Department of Justice, Organized Crime and  
26 Racketeering Section, in connection with United States v. Pavel Lazarenko, CR 00-0284  
27 MJJ.
- 28 3. As part of these efforts, I have participated in the process of arranging for and taking foreign

EARL DECL.  
[CR 00-0284 MJJ]

FILED

APR 24 2003

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

2746

1 depositions in the United Kingdom on March 31-April 1, 2003, the Netherlands on April 9-  
2 10, 2003, and in Switzerland on April 14-16, 2003. I am also participating in the  
3 preparations being made for the taking of depositions in the near future in Ukraine and in  
4 other foreign jurisdictions.

5 4. On March 31, 2003, I met in person with Steve Joels of the City of London Police and asked  
6 that he check whether any of the witnesses scheduled to be deposed in London that week had  
7 a known criminal history in the United Kingdom. These witnesses included Dennis  
8 Knockton, David Parker, Jeff Simpson and Serif Ecrument Aksoy. On April 1, 2003, Joels  
9 indicated to me that he had run criminal checks on each of those witnesses, and that those  
10 checks had come up negative.

11 5. On April 23, 2003, I sent an e-mail to Gerard Veenstra, Senior Public Prosecutor, District of  
12 Leeuwarden, requesting that he run criminal record checks on the witnesses deposed in the  
13 Netherlands on April 9-10, 2003. These witnesses included Rienz Van Der Ploeg, Theodore  
14 Velzeboer, Harke Bekkema and Jelle Spoelstra. I have yet to hear from Veenstra on this  
15 issue.

16 6. Also on April 23, 2003, I sent an e-mail to Collette Ford, representative of the Office of  
17 International Affairs, United States Department of Justice in Geneva, Switzerland, requesting  
18 that Ford ask the Swiss authorities to conduct criminal records checks of the witnesses  
19 deposed on April 14-16, 2003. Those witnesses include Werner Otto Metz, Andre  
20 Walcovicz and Andreas Ruegg. I have yet to hear from Ford on this issue.

21 7. On April 24, 2003, I spoke by telephone with Oleg Ukrainets, Investigator, General  
22 Procurator's Office, Kiev, Ukraine and requested that he conduct criminal records checks of  
23 the various witnesses the United States has requested to depose in Ukraine. Ukrainets  
24 indicated that Ukraine did have a centralized system from which this information can be  
25 obtained and indicated that he would obtain the information and get back to me. I expect to

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1 have that information prior to the commencement of the Ukrainian depositions.

2 Executed this 24<sup>th</sup> day of April, 2003, in San Francisco, California.

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6 BRYAN EARL  
Special Agent, FBI

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is an employee of the office of the United States Attorney, Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned certifies that he caused copies of

**UNITED STATES RESPONSE TO DEFENDANT'S  
STATEMENT OF MATERIALITY AND  
UNAVAILABILITY**

**DECLARATION OF BRYAN EARL RE:  
CRIMINAL HISTORY CHECKS OF FOREIGN  
WITNESSES**

**UNITED STATES' MEMORANDUM RE:  
BRADY/GIGLIO REQUESTS TO FOREIGN GOVERNMENTS**

**UNITED STATES' PROFFER RE: PROCEDURES FOR  
DEPOSITIONS IN UKRAINE AND RUSSIA**

in the case of UNITED STATES V. PAVEL LAZARENKO, CR-00-0284-MJJ to be served on the parties in this action, by placing a true copy thereof in a sealed envelope, addressed as follows which is the last known address:

**HAROLD ROSENTHAL, ESQ.  
DENNIS RIORDAN, ESQ.  
523 OCTAVIA STREET  
SAN FRANCISCO, CA 94102  
FAX: (415) 552-2703**

\_\_\_\_ (By Personal Service), I caused such envelope to be delivered by hand to the person or offices of each addressee(s) above.

X (By Facsimile), I caused each such document to be sent by Facsimile to the person or offices of each addressee(s) above.

\_\_\_\_ (By Mail), I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at San Francisco, California.

\_\_\_\_ (By Fed Ex), I caused each such envelope to be delivered by FED EX to the address listed above.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 24, 2003

  
Peter B. Axelrod